

# **The Illinois Department on Aging**

## **The Colbert Consent Decree Implementation**

### **Things You Should Know**

*Respect for yesterday. Support for today. Hope for tomorrow.*

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#### **General Information**

On December 20, 2011, the State of Illinois entered into a Consent Decree, settling the *Colbert v. Quinn* class action lawsuit, first filed in 2007. The Colbert Consent Decree requires the State to provide Cook County Nursing Home residents with the necessary supports and services to move out of Nursing Homes into community residency. To be eligible, you must live in a Nursing Home located in Cook County and be receiving or eligible to receive Medicaid. If you want and are able to move to the community, the information below will tell you how to get help to move out of a Nursing Home. Participation in the Colbert Consent Decree and the decision to move to the community is voluntary.

Throughout the year, individual and small group presentations will be scheduled and held at your Nursing Home. Some of the presentations will include Peer Mentors. These are individuals who are former residents of a Nursing Home and now live in the community. If you are interested in moving, you should plan to attend a presentation. You can also speak to your Ombudsman or the Nursing Home staff to learn about the Consent Decree. There are other ways to learn more about the Colbert Consent Decree.

- ❖ You can find information about the Colbert Consent Decree on the Illinois Department on Aging website at <http://www.illinois.gov/aging/communityservices>.
- ❖ You can call the Senior Help Line at 1-800-252-8966, Monday – Friday from 8:30 a.m. till 5:00 p.m.
- ❖ You can email the Illinois Department on Aging and a Colbert Outreach Advisor will answer your email within 2 business days. The email address is [AGING.ColbertDecree@illinois.gov](mailto:AGING.ColbertDecree@illinois.gov).

#### **Completing an Application**

Once you have decided to move into the community, you will need to complete a brief application. Applications are available online at <https://mfp.hfs.illinois.gov/mfpreferral.aspx>. If you are unable to complete the application, you may ask a friend, staff person, your Ombudsman or the Senior Help Line staff to help you complete and submit your application.

#### **Planning to Move**

Once your application has been completed and submitted, a team of social service and health care professionals from a Managed Care Organization (MCO) will contact you at your Nursing Home and schedule a time to come see you. These professionals or Care Coordination staff will help you move from the Nursing Home to the community. They will ask you to participate in an Evaluation. The purpose of the Evaluation is to learn about you, and to determine what kinds of services you will need to live in the community.

Your Care Coordination team is then responsible to work with you to develop a Service Plan of Care that will meet your needs in the community. This Service Plan of Care will be based upon what you tell your Care Coordination team, what your Care Coordination team learns about you, medical reports and consultations, and what services are available in the community to help you. When the Care Coordination team puts together the Service Plan of Care, they may ask you to help identify people, housing and programs that will enable you to live and stay in the community.

If you have a disability or a serious medical condition and require special services, your Care Coordination team will refer you for services to help prepare you for your move. These referrals will become part of your Service Plan of Care. Many of the services will be available to you after you move.

You may also be assigned to a housing resource specialist. They will help you find affordable housing in a community of your choice. Once you have selected a place to live, you will receive financial assistance to pay for a security deposit, an application fee, utilities, furniture and other moving related costs. You will also receive a subsidy to help you with the rent. Finding affordable housing can be challenging and may take time. Your patience, cooperation and understanding during the process are appreciated.

## **Your Rights**

You will not lose any of your rights for considering or deciding to move out of the Nursing Home. All of the rights you have in the Nursing Home will remain in place. You should tell a member of your Care Coordination team or your Ombudsman if you feel that you are being pressured or subjected to retaliation in any form by the Nursing Home for considering a move or for moving out of the Nursing Home.

You should feel confident that the information you share with the Care Coordination staff is protected by law. Care Coordination staff will only share information they are allowed to share under the law. If you have any questions, please ask your Care Coordination team.

You also have the right to report any incidents of abuse, such as getting hurt or neglected. Care Coordination staff are mandated reporters. This means they must make a report of abuse or neglect if you are being hurt (abused) or not being cared for (neglected) or if someone is taking your money without your permission (financial exploitation).

You have the right to change your mind about leaving the Nursing Home and can decline to take part in an Evaluation. If you are not pleased with the outcome of your Evaluation or change your mind about participating in an Evaluation, you have the right to request an Evaluation or a re-Evaluation to be completed within 120 days of making the request.

## **Appeals and Grievances**

We encourage you to speak with a member of your Care Coordination team to discuss any concerns or decisions about which you are unhappy. Often times, concerns can be resolved once a conversation with a Care Coordinator has taken place. If you are not satisfied with the outcome of your conversation, you may file a grievance with the Colbert Managed Care Organization.

Your Care Coordinator will provide you with the information needed should you choose to file a grievance with your Colbert Managed Care Organization. You or a person authorized to represent you (such as a friend, family member or attorney) have the right to assist you with your grievance.

If the grievance is not resolved by your Colbert Managed Care Organization, you can file an appeal with the Illinois Department on Aging. An appeal is a written expression of dissatisfaction concerning a determination regarding your Evaluation, eligibility for, or approval of community based services, financial or housing assistance, or placement outside of the Nursing Home.

For more information about filing a grievance or an appeal, contact your Care Coordination team or the Illinois Department on Aging. They will provide you with information on your rights and instructions on how to file a grievance or an appeal.

The Illinois Department on Aging, in partnership with the Departments of HealthCare and Family Services, Human Services, Public Health and the Illinois Housing Development Authority, are working to increase the use of home and community-based services for individuals who reside in nursing homes and are in need of long-term care.